

Message

---

**From:** Hurl, Kathy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F3B04131F1145FCB4CCF5B0A64C1AC4-KHURLD]  
**Sent:** 8/20/2020 4:30:40 PM  
**To:** Wade, Alexis [Wade.Alexis@epa.gov]  
**Subject:** FW: Draft response to Region 10 RTOC for review  
**Attachments:** cons-and-coord-with-indian-tribes-policy.pdf

This is the best that I have regarding our position on consultation.

---

**From:** Gude, Karen <Gude.Karen@epa.gov>  
**Sent:** Wednesday, June 24, 2020 9:31 AM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Cc:** Hurl, Kathy <Hurl.Kathy@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>  
**Subject:** RE: Draft response to Region 10 RTOC for review

Thanks, Simma. The consultation policy is attached. A few key portions:

- 
- 
- 

## Ex. 5 Deliberative Process (DP)

Thanks,

Karen Gude  
Tribal Program Coordinator

U.S. EPA/Office of Water  
Phone: (202) 564-0831

---

**From:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>

**Sent:** Wednesday, June 24, 2020 9:16 AM

**To:** Gude, Karen <[Gude.Karen@epa.gov](mailto:Gude.Karen@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Chemerys, Ruth <[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>

**Subject:** RE: Draft response to Region 10 RTOC for review

If Alexis and others agree, we could say something along the lines of:

**Ex. 5 Deliberative Process (DP)**

## Ex. 5 Deliberative Process (DP)

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

---

**From:** Gude, Karen <[Gude.Karen@epa.gov](mailto:Gude.Karen@epa.gov)>

**Sent:** Wednesday, June 24, 2020 8:33 AM

**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Chemerys, Ruth <[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>

**Subject:** RE: Draft response to Region 10 RTOC for review

Simma, Thank you.

## Ex. 5 Deliberative Process (DP)

Thank you,

Karen Gude  
Tribal Program Coordinator  
U.S. EPA/Office of Water  
Phone: (202) 564-0831

---

**From:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>

**Sent:** Wednesday, June 24, 2020 8:20 AM

**To:** Gude, Karen <[Gude.Karen@epa.gov](mailto:Gude.Karen@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Chemerys, Ruth <[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>

**Subject:** RE: Draft response to Region 10 RTOC for review

Sorry: thought a bit more and suggest:

**Ex. 5 Deliberative Process (DP)**

## Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

---

**From:** Gude, Karen <Gude.Karen@epa.gov>

**Sent:** Wednesday, June 24, 2020 8:07 AM

**To:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>

**Subject:** RE: Draft response to Region 10 RTOC for review

Kathy,

Thank you for clarifying this.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Karen

---

**From:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>

**Sent:** Tuesday, June 23, 2020 4:25 PM

**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>

**Cc:** Gude, Karen <Gude.Karen@epa.gov>

**Subject:** RE: Draft response to Region 10 RTOC for review

Yes, the idea Mindy is that

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

---

**From:** Kupchan, Simma <Kupchan.Simma@epa.gov>

**Sent:** Tuesday, June 23, 2020 4:22 PM

**To:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>

**Cc:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>

**Subject:** RE: Draft response to Region 10 RTOC for review

This seems fine to me. Thanks.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

**From:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>  
**Sent:** Tuesday, June 23, 2020 3:55 PM  
**To:** Chemerys, Ruth <[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Cc:** Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Gude, Karen <[Gude.Karen@epa.gov](mailto:Gude.Karen@epa.gov)>  
**Subject:** RE: Draft response to Region 10 RTOC for review

In the last paragraph,

**Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)** Other than that, it seems fine to me and is this something Karen would normally send?

Mindy Eisenberg  
Associate Director, Oceans, Wetlands & Communities Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4504T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

**From:** Chemerys, Ruth <[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)>  
**Sent:** Tuesday, June 23, 2020 2:28 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Cc:** Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Gude, Karen <[Gude.Karen@epa.gov](mailto:Gude.Karen@epa.gov)>  
**Subject:** RE: Draft response to Region 10 RTOC for review

Mindy et al -

Just following up to see if you'd had a chance to review the draft response and have any comments? Also, what are your thoughts on who should send the response?

Thanks!

Ruth

**From:** Chemerys, Ruth  
**Sent:** Friday, June 19, 2020 3:09 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Cc:** Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Gude, Karen <[Gude.Karen@epa.gov](mailto:Gude.Karen@epa.gov)>  
**Subject:** Draft response to Region 10 RTOC for review

Mindy, Alexis and Simma:

## Ex. 5 Deliberative Process (DP)

In the interest of time, I'm asking Alexis and Simma to review concurrently with Mindy, and share with your management as appropriate. Let us know if you have any comments. (I know Alexis and Simma are out today, so hopefully they can review on Monday)

Thanks!

Ruth & Kathy

## **Ex. 5 Deliberative Process (DP)**

*Ruth Chemerys*

EPA Office of Water

Office of Wetlands, Oceans & Watersheds

1200 Pennsylvania Ave. NW, 4503-T

Phone: 202-566-1216

Fax: 202-566-1437